

## REMARKS

Applicants gratefully acknowledge the telephonic interview conducted with the Examiner's Supervisor on June 12, 2003. Applicants have tried to address the issues raised by the Supervisor with this response. Applicants request reconsideration of the application in view of the preceding amendments and the following remarks. Claims 1 and 8 have been amended. New claims 26 and 27 have been added. Claims 1-27 are pending. Claims 1, 8, 26 and 27 are independent claims.

Support for the amendments to the claims is found in the specification. No new matter has been added in making the amendments herein.

### 35 U.S.C. § 103 REJECTIONS

Claims 1-10 and 13-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fariabi, U.S. Pat. No. 5,636,641, in view of Fagan et al., U.S. Patent No. 5,720,300. Applicants respectfully disagree with Examiner's reading of Fariabi and traverses this rejection.

The Examiner asserted in the Office action that Fariabi discloses the limitation, recited in claims 1 and 8, that "the precipitation hardened material and superelastic material extend from the proximal section to the tapered distal section" of the composite elongate core. As was submitted in the telephonic interview with the SPE on June 12, 2003, Applicants respectfully disagree with the Examiner's interpretation of Fariabi.

Specifically, at page 4 of the Office action, the Examiner noted that Fig. 1 of Fariabi shows "distal section (17) of the core member (11) ... is tapered to sequentially smaller diameters." The Examiner also attached a copy of a **portion** of Fariabi Fig. 1 at page 7 of the Office action on which she indicated where she asserts "precipitation hardened material and superelastic material that extend to the tapered distal section" is disclosed. As was respectfully submitted in the telephonic interview with the SPE, the Examiner's interpretation of Fariabi Fig. 1 is not supported by either the detailed description or Fig. 1 itself.

As was done in the telephonic interview with the SPE, it is respectfully noted that the portion of Fariabi Fig. 1 that was attached to the Office action not only does not show reference numeral (17), which is defined as the "distal section" at col. 4, line 63 of Fariabi, but the location along the core member (11) where the Examiner has written "distal section" is nowhere near where reference numeral (17) is actually indicated in the portion of Fig. 1 that was not attached to the Office action. Furthermore, as was respectfully submitted in the telephonic interview, the distal section 17 disclosed by Fariabi cannot consist of both precipitation hardened material and superelastic material because of the way in which Fariabi discloses forming the tapered distal portion.

The Examiner apparently interprets the phrase, at c. 4, line 67 of Fariabi, "removing the sheath" to indicate that the sheath 12 is not removed completely at the distal section 17 of the core member 11, but rather is gradually tapered down to the inner alloy member 13, thereby allowing the sheath to extend to the "tapered distal section" of the composite elongate core. However, as was done in the telephonic interview with the SPE, it is further respectfully submitted that interpreting the above cited phrase requires consideration of the entire sentence in which it is contained. The sentence in which the phrase is contained discloses forming the taper by "**removing** the sheath" which "exposes the inner NiTi alloy member" and, **then**, "[grinding] in a conventional manner." Fariabi at col. 4, line 67, to col. 5, line 5 (emphasis added). It is respectfully asserted that the sentence does not disclose "removing the sheath by grinding in a conventional manner" as is required by the Examiner's apparent interpretation, but rather discloses grinding the exposed NiTi member to produce the taper, the NiTi member having been exposed when the sheath was removed. In order to "expose" the inner NiTi alloy member, the sheath 12 must be completely removed and, therefore, the only portion of the core member 11 which is left to be "ground" is the inner NiTi member.

The Examiner further noted, at page 4 of the Office action, that Fig. 2 of Fariabi depicts a guidewire having a proximal section (35) of the core member (32) that is of "composite construction" with a sheath of high strength Co-Ni-Cr alloy and an inner member of a pseudoelastic NiTi alloy and that the "high strength sheath (36) is removed

from the core member to form the tapered distal section (31)." As was done in the telephonic interview with the SPE, it is respectfully submitted that the disclosure of a proximal section of "composite construction" and "removal" of the high strength sheath disclosed by Fariabi actually supports the Applicants' assertion that the tapered distal section of Fariabi consists of only the inner NiTi member. It is respectfully asserted that Fariabi discloses the "composite construction" of the proximal section because the tapered distal section is **not** of composite construction. It is further respectfully asserted that "removal" of the sheath 36 means that the precipitation hardened material is no longer present, leaving only the inner NiTi alloy member 13.

It is respectfully submitted that, in view of the pervious assertions with regard to Fariabi, the precipitation hardened material (i.e. sheath 12) disclosed therein does not extend to the tapered distal section of the core member 11 since the sheath is removed to expose the NiTi alloy member 13 and the NiTi alloy member is then ground to create the tapered distal section. It is further respectfully submitted that Fagan et al. does not teach the use of more than one material and, therefore, does not teach precipitation hardened material and superelastic material that extend to the tapered distal section of the composite elongate core.

Independent claims 1 and 8 have been amended, as suggested by the SPE in the telephonic interview on June 12, 2003, to more clearly define the present invention. It is respectfully noted that the amendments to claims 1 and 8 are not related to their patentability and it is believed that the claims are allowable over the cited references. It is respectfully asserted that for the reasons given above, claims 1 and 8 are allowable over the cited references. It is further respectfully asserted that claims 2-7, which depend upon claim 1, and claims 9, 10, and 13-25, which depend upon claim 8, are also allowable over the cited references.

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fariabi in view of Fagan et al., in further view of Reiss et al. (PCT Publication No. WO 98/22024). Applicants respectfully traverse this rejection.

It is respectfully submitted that Reiss et al. adds nothing to the teachings of Fariabi and Fagan et al. with respect to "precipitation hardened material and superelastic material that extend from the proximal section to the tapered distal section" of the composite elongate core. Therefore, it is respectfully asserted that claim 8 is allowable over the cited references. It is further respectfully asserted that claims 11 and 12, which depend upon claim 8, are also allowable over the cited references.

#### NEW CLAIMS

With this paper, new claims 26 and 27 have been added. Support for the new claims can be found in the specification. It is believed that claims 26 and 27 are allowable over the cited references.

Claim 26, which is drawn to a guidewire, recites the same limitation as independent claim 1 that "the precipitation hardened material and superelastic material extend from the proximal section to the tapered distal section" of the composite elongate core. Therefore, it is respectfully asserted that claim 26 is allowable for the same reasons previously given for claim 1.

Claim 27 recites the limitation that the precipitation hardened material and superelastic material extend from the proximal section of the elongate core to "the tapered distal portion of the distal section" of the elongate core. In the telephonic interview on June 12, 2003, it was respectfully submitted, and the SPE apparently agreed that none of the references cited in the Office action teach nor disclose this limitation. Therefore, it is respectfully asserted that claim 27 is allowable over the cited references.

CONCLUSION

Applicants have attempted to respond to each and every rejection set forth in the outstanding Office action. Applicants believe new claims 26 and 27 are allowable over the cited references. In view of the above amendment and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Applicants have enclosed a check for the new independent claims. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 06-2425 in connection with this paper. A duplicate copy of this paper is enclosed.

Respectfully submitted,

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Copy of New Power of Attorney

Copy of Notice Regarding Power of Attorney

Copy of Acknowledgment of receipt of New Power of Attorney/Revocation

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